

REMARKS

Reconsideration and allowance of this application are respectfully requested based on the following analysis.

1. Overview of Final Office Action

Claim 9 is rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Ozawa (US 6,323,608).

Claims 1, 3, 4 and 8 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Nakazawa in view of Amano et al (US 6,861,767; hereafter “Amano”).

Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Nakazawa in view of Amano, and further in view of Okamura (US 5,528,121).

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Ozawa in view of Amano.

Claims 12, 13 and 15 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Ozawa in view of Okamura.

Claim 6 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Nakazawa in view of Amano, and further in view of Matsui (US 5,982,050).

Claim 14 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Ozawa in view of Matsui.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa in view of Nakazawa.

2. Prior Art Rejection of Claim 9 under 35 U.S.C. § 102(b)

In this Amendment, claim 9 is amended by incorporating the feature of claim 10 which is now canceled. This feature, which is the same as that recited in claim 1, is that an electric

capacity of the secondary battery is about four (4) to 100 times of an electric capacity of the capacitor where the capacitor and the secondary battery is combined in series.

The Examiner position (with respect to claim 1 rejection) is that the above feature regarding the electric capacity is still disclosed in the Amano reference while Nakazawa discloses the combination of a capacitor and a secondary battery *in series* to constitute a charging/discharging apparatus.

Applicant respectfully traverses.

In page 2 of the Final Office Action (July 2, 2009), the Examiner asserts that the capacities of Amano's capacitor 5 and battery 6 is 2V and 36V, respectively, and thus, the capacity of the battery is 10 times more than the capacitor 5, thereby disclosing the claimed feature regarding the electric capacity of the capacitor and the secondary battery.

The Examiner's interpretation of Amano is not proper, however, at least because nowhere does this reference disclose or suggest that the capacity of the capacitor 5 is 2V. In col. 5, lines 53-54 as cited by the Examiner, Amano discloses that the capacitor 5 can be charged until the voltage difference (V_b of battery 6 - V_c of capacitor 5) becomes not more than 2V. In other words, the cited part only discloses that a voltage difference is 2V, but does not disclose that the capacity of the capacitor 5 is 2V. Thus, the Examiner's interpretation of the reference is not proper in this regard. Further, an absolute value of voltage difference, that is "2V", does not correspond to the claimed capacity difference of "4 to 100 times". Thus, Amano fails to disclose or suggest the claimed capacity difference between the capacitor and the secondary battery constituting an electric energy storage device.

Moreover, it should be noted that Amano's capacitor 5 and battery 6 are connected in parallel, while Amano's capacitor 5 and battery 6 are connected in series.

Assuming *arguendo*, therefore, the claimed capacity difference is suggested in Amano, one skilled in the art would not have been taught, suggested or motivated to apply the capacity difference suggested in Amano to the storage device of Amano which has a completely difference structure. Therefore, prima facie obviousness in view of the two disparate references cannot be established.

Thus, Applicant respectfully submits that the claimed storage device would not have been rendered obvious in view of Ozawa and Amano.

III. Prior Art Rejection under 35 U.S.C. § 103(a)

As discussed above, one aspect of **claim 1** is that while the capacitor and the secondary battery is combined *in series*, an electric capacity of the secondary battery is about four (4) to 100 times of an electric capacity of the capacitor.

The Examiner's position is that the claimed electric capacity difference is disclosed in Amano, and this disclosure can be combined with Nakazawa that discloses a serial connection of a capacitor and a battery.

For the same reason discussed above, however, Amano fails to disclose or suggest the claimed capacity difference. Further, there would not have been any teaching, suggestion or motivation to incorporate the teachings of capacity difference between a capacitor and a battery, connected to each other in parallel, into Nakazawa that discloses only a charging/discharging device comprising serially connected capacitor and battery in FIG. 1.

Accordingly, Applicant respectfully submits that claim 1 would not have been rendered obvious over Nakazawa in view of Amano.

Claims 2 and 10 are canceled.

Claims 3-8 and 11-16 should be allowable at least due to their dependencies on claim 1 and additionally recited elements therein as the deficiencies of Nakazawa and Amano are not remedied by any other references.

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In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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